



Appeal Decision

Site visit made on 9 August 2017

by J Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2017

Appeal Ref: APP/B1930/W/17/3173895

63 Marford Road, Wheathampstead, St Albans AL4 8AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr L Lambert against the decision of St Albans City & District Council.
 - The application Ref 5/16/3669, dated 7 December 2016, was refused by notice dated 26 January 2017.
 - The development proposed is described as "Demolition of existing garage and erection of a detached, one-bedroom dwellinghouse (revised scheme)."
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Decision

1. The appeal is dismissed.

Main Issue

2. The current appeal proposal follows a number of previously refused applications for planning permission for a separate dwelling on part of the rear garden of 63 Marford Road and the driveway and garage running behind 61 Marford Road and to the side of 70 Necton Road. Two subsequent appeals¹ were submitted in 2015 and 2016. Both appeals were dismissed. In this appeal, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Descriptions of the character of the surrounding area in the 2015 and 2016 appeal decisions remain equally relevant to this current proposal and there is no need to repeat them in full. As with the 2015 appeal, the most significant feature to note is that although the houses along Necton Road are varied in terms of type, style and form, there is a distinct absence of overly elaborate and unnecessary detail.
4. The proposed development would comprise a two-storey one bedroom house sited on the front portion of the driveway to the rear of No 63. The existing garage serving No 63 would be demolished to provide garden space for the proposed development. One parking space each would be provided for the proposed house and No 63 on part of the existing rear garden of No 63. The part single-storey and part two-storey element at the front of the proposed

¹ APP/B1930/W/15/3132786, decision dated 4 March 2016, and APP/B1930/W/16/3149225, decision dated 12 August 2016. Although both appeals were determined in 2016, I refer to them as the 2015 and 2016 appeals based on their date of submission.

dwelling would encroach slightly onto the former garden space for No 63. The positioning of the proposed house, access and parking spaces would also necessitate removal of part of the established hedge and fence along the side of No 63's garden.

5. The National Planning Policy Framework (the Framework) confirms at Annex 2 that land in built-up areas such as residential gardens is not defined as previously developed land. However, the Framework does not, in itself, resist development of residential gardens. Instead, it states at paragraph 53 that local planning authorities should consider setting out policies to resist inappropriate development. I have not been provided with any such local policies and the Council has confirmed that the principle of development is acceptable.
6. Necton Road is characterised by two-storey houses on plots of varying widths. Despite the variation, the appeal site is relatively narrow and the proposed development is accordingly sited in close proximity to the side boundaries. The appellant has sought to address this issue by setting the flank wall of the proposed house off the boundary with Nos 61 and 63 and by off-setting the frontage of the proposed dwelling to obscure the relationship between the flank wall and the aforementioned boundary. Despite these efforts, the proposed house would still lack space about its side boundaries and would remain cramped within the plot and in relation to nearby properties in Necton Road.
7. The cramped nature of the proposed development is further exemplified by the refuse storage arrangements. The appellant's statement confirms that bins would be located within the rear garden and then moved through the 600mm gap between the proposed development and the boundary of Nos 61 and 63 when necessary. Although a standard wheelie bin could be pulled along the narrow corridor between the proposed building and the boundary, the narrower gap between the boundary and the proposed part single-storey and two-storey element on the site's frontage would prevent bins from leaving the appeal site.
8. Although the increased width of the proposed part single-storey and part two-storey element on the site's frontage would mask the narrow nature of the plot to some extent, the alterations in design and siting of the proposed building to address the previous Inspector's findings in 2016 have had the consequence of highlighting the small stature of the proposed building relative to its neighbours at Nos 61, 63 and 70. While I recognise that the topography of Marford Road and Necton Road plays a part in this, the proposed building would appear squat and of an inappropriate scale relative to its neighbours. It would also fail to replicate the relationship of the roofs of the houses moving down the slope of Necton Road. Consequently, it would not be in keeping with the general pattern of development.
9. The proposed part single-storey element on the site's frontage has been reduced in depth with the proposed building situated slightly behind the building line of No 70. Despite recognising the reasoning behind the alteration to the proposed part single-storey and two-storey projection, it would not respect the general layout of properties on Necton Road, where bay windows and porches are frequent features, regardless of the age and type of house. It would not enhance the overall appearance of the proposed dwelling and would not relate well to the prevailing pattern of development within the street.

10. The roofline of the proposed house would be asymmetric when viewed from Necton Road, with the introduction of two separate ridgelines at different heights on the main front roof slope of the proposed dwelling and the provision of a chimney. The changes to the proposed roofline have been made to introduce 'visual relief' and architectural variation. However, as a result of the different architectural elements used, the proposed house does not have a single strong architectural style. The rooflines, chimney and part single-storey and two-storey element to the frontage instead highlight the contrived and somewhat forced nature of the proposed development relative to the more straightforward design of neighbouring properties and accentuate the difference in scale between the proposed house and its neighbours.
11. I am in agreement with the previous Inspector in the 2016 appeal in not being persuaded that Nos 41 and 67, as in effect exceptions for Necton Road, provide a justification for the appeal development. The appellant has also mentioned a number of other properties along Necton Road as 'precedent' and has referred to 1a Ashley Road². I have only limited information on those properties on Necton Road and do not know their planning histories. Furthermore, I do not consider that the Ashley Road appeal is directly comparable with this appeal, particularly given the nature of the sub-division of the relevant plots. In any event, I must determine this appeal on its own merits.
12. I recognise that the site is within a built up area with access to local facilities and services and note that, in this regard, it meets the aims of the Framework in encouraging development in sustainable locations. I note the appellant's suggestion that there are limited alternative plots for further development within the area and that this proposed development would avoid development within the Green Belt. I have also found that the proposal would provide acceptable living conditions for future occupiers and that the proposed hipped roof forms, eaves lines and materials would relate to some of the neighbouring properties. It is also helpful that construction could take place without the need for scaffolding on neighbouring land. Although these weigh in favour of the proposal, they are not sufficient, individually or cumulatively, to outweigh the harm identified.
13. There is no dispute that the Council cannot currently demonstrate that it has a 5 year housing land supply (HLS). Considering paragraph 14 of the Framework as a consequence, the proposed development would provide a net gain of one additional dwelling. As such, its contribution to the HLS would be very modest. I consider that it would only be of limited benefit in this regard. Although I note that the site is in a sustainable location in terms of transport and access to local services, the adverse effects of the proposed development in terms of character and appearance would significantly and demonstrably outweigh its limited benefits in this instance.
14. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. This would be contrary to the saved policies 5, 69 (i), and 70 (i) of the St. Albans District Local Plan Review 1994 (the Local Plan) and the Framework. These policies require, amongst other things, development to be respectful of the character of its surroundings. Although the Local Plan is of some age, the policies of relevance are consistent with the Framework. The proposal would also be contrary to a core planning

² APP/B1930/W/16/3146741, decision dated 12 July 2016.

principle and Section 7 of the Framework, which seek to secure high quality design.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Gilbert

INSPECTOR